

BY - LAW NO. 7

OF THE

Township of Adelaide

TO PROHIBIT

*Horses, Cattle, Sheep, Pigs, Geese, etc.,
from running at large.*

AND

Acts Respecting Line Fences and Pounds.

STRATHROY, ONT.:

Printed at THE AGE Steam Printing House,

1892.

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BY-LAW No. 7,

Being a By-law to prohibit Horses, Cattle, Sheep, Pigs, Geese and other Poultry from running at large on the Streets and Public Highways of the Township of Adelaide, and to fix a scale of fees to be charged by Pound-keepers in said Township for care, feeding, advertising and selling such animals as may be impounded :—

WHEREAS it is necessary in the interests and for the protection of the property of the inhabitants of the Township of Adelaide, and for the safety of those who travel on the public highways in the Municipality, that all Horses, Cattle, Sheep, Pigs, Geese and other Poultry be restrained from running at large on the public roads of the said Municipality of Adelaide.

1st. Be it enacted by the Municipal Council of the Township of Adelaide, and it is hereby enacted in accordance with Sub-Sections 2 and 4 of Section 490 of the Municipal Act, that from and after the date of the passing of this By-law all or any of the above-mentioned animals are prohibited from running at large or trespassing on the streets and public highways of the Township of Adelaide.

2nd. And be it enacted by the Municipal Council of the Township of Adelaide that if any of the above-mentioned animals are found at large on the public thoroughfares of the Township of Adelaide after the date of the passing of this By-law the owner or owners of such animal or animals shall, upon sufficient evidence being brought by any ratepayer within the Municipality, be subject to all the penalties inflicted for a breach of the By-laws of this Municipality, to be recoverable before any of Her Majesty's Justices of the Peace having jurisdiction within this Municipality.

3rd. And be it enacted that any person turning out upon the roads any animal or animals having become worthless through age, disease or otherwise, shall incur the penalty for a breach of this By-law, and shall pay all damage caused by such animals and all costs incurred in the impounding, feeding, advertising and selling of said animals.

4th. And be it enacted, that, notwithstanding the second clause of this By-law, any of the above-mentioned animals found trespassing on the roads within this Municipality shall be liable to be impounded within the Pound in which Division they are found, and "The Act Respecting Pounds," Chap. 215, Revised Statutes of Ontario, is and shall be the authority governing and controlling all pound-keepers and persons impounding animals within the limits of the said Township of Adelaide.

5th. And be it enacted that a fine of Two Dollars each shall be levied by the Pound-keepers on Horses, Bulls, Boars, Rams and Breachy Cattle lodged in their several Pounds.

6th. And be it enacted that the following fees for impounding shall be paid to the Pound-keepers in the Township of Adelaide by the owners of the animals impounded, that is to say, for each Stallion of the age of one year and upwards, \$1.00; for each Bull of the age of one year and upwards, 75 cents; for each Boar of the age of six months and upwards, 75 cents; for each Ram of the age of six months and upwards, 75 cents; for each Mare or Gelding, 50 cents; for each head of Cattle, 25 cents; for each Sheep, 20 cents, and for each Pig, 25 cents. One-half of the above charges to be paid to the person impounding, the other to the Pound-keeper. And for feeding and attending animals impounded every Pound-keeper impounding any animal in the Township of Adelaide shall be entitled to make the following charges

and no more, that is to say, for feeding and attending any horse of any description, the sum of 30 cents per day; for each head of Cattle, 20 cents per day; for feeding Swine over the age of four months, 10 cents per day, and for each Pig under the age of four months, 4 cents per day, and for each Sheep five cents per day. And for advertising by notices, publicly affixed in said Township, every Pound-keeper shall be entitled to the following rates, that is to say, for every six notices, 60 cents. And for selling each Pound-keeper shall be allowed to charge as follows, for selling each Horse or head of Cattle, 40 cents; for each Ram or Swine, 15 cents, and for each Sheep the sum of 10 cents.

7th. And be it enacted that if any Pound-keeper shall exact a greater sum than the rates and charges fixed by this By-law for any of the services for which rates and charges respectively relate, he shall, on conviction before any Magistrate having jurisdiction in the Township, be liable to a payment of a fine of not less than Two Dollars nor more than Ten Dollars, with costs, to be recovered in the same manner as other fines and penalties imposed under this By-law.

8th. And be it enacted that all fines and pecuniary penalties collected under the authority of this By-law shall be paid to the Treasurer of this Municipality and shall form part of the General Funds thereof, and any person making default of payment of such fines and penalties, with costs, incurred by him, shall, for such default, be liable to be imprisoned in the common jail of the County for a period not exceeding seven days unless such fine with costs be forthwith paid.

9th. And be it enacted that the Fence-Viewers who may be called on to arbitrate under the provisions of this By-law shall each receive as compensation for their services the sum of Two Dollars per day for each day that they are employed in so arbitrating, and for one-half day or less, One Dollar.

10th. And be it enacted and it is hereby enacted by the Municipal Council of the Township of Adelaide that the Act cited, "An Act Respecting Line Fences," Chapter 219, R. S. Ontario, is and shall be authority within the said Township of Adelaide in connection with disputes in regard to Line Fences.

11th. And be it enacted that all Pound-keepers holding office in the Municipality of Adelaide shall make a report to the Municipal Council of the Township of Adelaide once in each year during the years in which they hold said office.

12th. And be it further enacted by the authority aforesaid that all By-laws or parts of By-laws passed by the Municipal Council of the Township of Adelaide prior to the date of the passing of this By-law, regulating matters which are regulated by the conditions of this By-law, are and the same are hereby repealed, and further that this By-law shall come into force on the date of the passing thereof, viz.: on the 27th day of June in the year of our Lord One Thousand Eight Hundred and Ninety-Two.

Dated at Adelaide this 27th day of June, 1892.

H. J. MILLER,

Clerk.

[L.S.]

D. ROBERTSON,

Reeve.

An Act Respecting Line Fences.

1. This Act may be cited as "*The Line Fences Act.*" R. S. O. 1877, c. 198, s. 1.

2.—(1) In this Act the expression "occupied lands" shall not include so much of a lot, parcel or farm as is unenclosed, although a parcel of such lot, parcel or farm is enclosed and in actual use and occupation. 41 V. c. 10, s. 1.

(2) Where, within the meaning of section 4 of this Act, there is any dispute between owners or occupants of lands situate in different municipalities, the following words or expressions in this Act shall have the meaning hereinafter expressed, namely:

1. The phrase "Fence-viewers" shall mean two fence-viewers of the municipality in which is situate the land of the owner or occupant notified under subsection 1 of section 4 of this Act, and one fence-viewer of the municipality in which is situate the land of the party or person giving the notice; except that in case of a disagreement having occurred within the meaning of sub-section 4 of said section 4, the said phrase "Fence-viewers" shall mean fence-viewers from either or both municipalities.

2. The expression "in which the lands are situate" and the expression "in which the land lies," shall respectively mean in which are situate the lands of the owner or occupant so notified under said sub-section 1 of section 4. 47 V. c. 42, s. 1.

3. Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence they shall so make, keep up and repair the same proportion which is to mark such boundary, and owners of unoccupied lands which adjoin occupied lands shall, upon their being occupied, be liable to the duty of keeping up and repairing such proportion, and in that respect shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned. R. S. O. 1877, c. 198, s. 2.

4. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted:

1. Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three fence-viewers of the locality to arbitrate in the premises.

2. The owners so notifying shall also notify (Form 2) the fence-viewers, not less than one week before their services are required.

3. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat; or in case of the lands being untenanted, by leaving the notice with any agent of such owner.

4. The owners notified may, within the week, object to any or all of the fence-viewers notified, and in case of disagreement, the Judge hereinafter mentioned shall name the fence-viewers who are to arbitrate. R. S. O. 1877, c. 198, s. 3.

5. An occupant, not the owner of land notified in the manner above mentioned, shall immediately notify the owner; and if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. R. S. O. 1877, c. 198, s. 4.

6. The fence-viewers shall examine the premises, and if required by either party they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer an oath or affirmation for the purpose as in Courts of law. R. S. O. 1877, c. 198, s. 5.

7.—(1) The fence-viewers shall make an award (Form 3) in writing signed by any two of them, respecting the matters so in dispute; which award shall specify the locality, quantity, description and the lowest price of the fence it orders to be made, and the time within which the work shall be done, and shall state by which of the said parties the costs of the proceedings shall be paid, or in what proportion the same shall be paid to the parties.

(2) In making the award, the fence-viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally, the suitability of the fence ordered, to the wants of each party.

(3) Where, from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence upon the line between the parties, it shall be lawful for the fence-viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it seems to be most convenient; but such location shall not in any way affect the title to the land.

(4) If necessary, the fence-viewers may employ a provincial land surveyor, and have the locality described by metes and bounds. R. S. O. 1877, c. 198, s. 6.

8. The award shall be deposited in the office of the clerk of the council of the municipality in which the lands are situate, and shall be an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents; and notice of its being made shall be given to all parties interested. R. S. O. 1877, c. 198, s. 7.

9. The award may be enforced as follows: The person desiring to enforce it shall serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service of the notice, the person so desiring to enforce it may do the work which the award directs, and may immediately recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality, but the Judge of the Division Court may, on application of either party, extend the time for making the fence to such time as he may think just. R. S. O. 1877, c. 198, s. 8.

10.—(1) The award shall constitute a lien and charge upon the lands respecting which it is made, when it is registered in the registry office of the registry division in which the lands are.

(2) Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of *The Registry Act*. R. S. O. 1877, c. 198, s. 9.

11. The fence-viewers shall be entitled to receive \$2 each for every day's work under this Act: Provincial land surveyors and witnesses shall be entitled to the same compensation as if they were subpoenaed in any Division Court. R. S. O. 1877, c. 198, s. 10.

12. Any person dissatisfied with the award made, may appeal therefrom to the Judge of the County Court of the county in which the lands are situate, and the proceedings on the appeal shall be as follows:

1. The appellant shall serve upon the fence-viewers, and all parties interested, a notice in writing of his intention to appeal, within one week from the time he has been notified of the award; which notice may be served as other notices mentioned in this Act.

2. The appellant shall also deliver a copy of the notice to the clerk of the Division Court of the division in which the land lies, and the clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said clerk as will be a sufficient indemnity against costs of the appeal.

3. The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the clerk, who shall notify the fence-viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act.

4. The Judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error therein and he may examine parties and witnesses on oath, and, if he so pleases, may inspect the premises; and may order payment of costs by either party, and fix the amount of such costs.

5. His decision shall be final; and the award as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

6. The practice and proceedings on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same as nearly as may be as in the case of a suit in the Division Court. R. S. O. 1877, c. 198, s. 11.

13. Any agreement in writing (Form 4) between owners respecting such line fence may be filed or registered and enforced as if it was an award of fence-viewers. R. S. O. 1877, c. 198, s. 12.

14. (1) The owner of the whole or part of a division or line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fence—

- (a) Without giving at least six months previous notice of his intention to the owner or occupier of such adjacent enclosure ;
- (b) Nor unless such last mentioned owner or occupier after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum determined as provided in section 7 of this Act ;
- (c) Nor if such owner or occupier will pay to the owner of such fence or of any part thereof, such sum as the fence-viewers may award to be paid therefor under section 7 of this Act.

(2) The provisions of this Act relating to the mode of determining disputes between the owner of occupied adjoining lands, the manner of enforcing awards and appeals therefrom, and the schedules of forms attached hereto, and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. R. S. O. 1877, c. 198, s. 13.

15. (1) If any tree is thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree.

(2) On his neglect or refusal so to do for forty-eight hours after notice in writing to remove same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree, from the party liable to pay it under this Act.

(3) For the purpose of such removal the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing.

(4) All disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three fence-viewers of the municipality, two of whom shall agree. R. S. O. 1877, c. 198, s. 14.

16. The forms in the schedule hereto are to guide the parties, being varied according to circumstances. R. S. O. 1877, c. 198, s. 15.

SCHEDULE OF FORMS.

FORM 1.—(Section 4.)

NOTICE TO OPPOSITE PARTY.

Take notice that Mr. _____, Mr. _____, and _____ day of _____, three fence viewers of this locality, will attend on the _____, 18 _____, at the hour of _____, to view and arbitrate upon the line fence in dispute between our properties, being Lots (or parts of) *One* and *Two* in the _____ Concession of the Township of _____, in the County of _____.

Dated this _____ day of _____, 18 _____.

To C. D.,
Owner of Lot 2.

A. B.,
Owner of Lot 1.

R. S. O. 1877, c. 198, *Sched.* Form 1

AN ACT RESPECTING LINE FENCES.

FORM 2.—(Section 4.)

NOTICE TO FENCE-VIEWERS.

Take notice that I require you to attend at _____ on the
 day of _____, A. D. 18____, at _____ o'clock, a. m., to view and arbitrate on
 the line fence between my property and that of Mr. _____, being Lots (or
 parts of Lots) Nos. *One* and *Two* in the _____ Concession of the Township of
 _____, in the County of _____

Dated this _____ day of _____, 18____.

A. B.,
 Owner of Lot 1.

R. S. O. 1877, c. 198, Sched. Form 2.

FORM 3.—(Section 7.)

AWARD.

We, the fence-viewers of (*name of the locality*), having been nominated to view
 and arbitrate upon the line fence between _____ of (*name and des-*
cription of owner who notified) and (*name and description of owner notified*), which fence
 is to be made and maintained between (*describe properties*), and having examined the
 premises and duly acted according to *The Line Fences Act*, do award as follows: That
 part of the said line which commences at _____ and ends at (*describe the points*)
 shall be fenced, and the fence maintained by the said _____, and that part
 thereof which commences at _____ and ends at _____ (*describe the points*)
 shall be fenced, and the fence maintained by the said _____. The fence shall
 be of the following description (*state the kind of fence, height, material, etc.*), and shall
 cost at least _____ per rod. The work shall be commenced within _____
 days, and completed within _____ days from this date, and the costs shall be
 paid by (*state by whom paid; if by both, in what proportion*).

Dated this _____ day of _____, 18____.

(*Signatures of fence-viewers.*)

R. S. O. 1877, c. 198, Sched. Form 3.

FORM 4.—(Section 13.)

AGREEMENT.

We _____ and _____, owners respectively of Lots (or parts of Lots)
One and *Two* in the _____ Concession of the Township of _____ in the
 County of _____, do agree that the line fence which divides our said properties
 shall be made and maintained by us as follows: (*follow the same form as award.*)

Dated this _____ day of _____, 18____.

(*Signature of parties.*)

R. S. O. 1877, c. 198, Sched. Form 4.

An Act Respecting Pounds.

1. Until varied or other provisions are made by by-laws passed under the authority of section 490 of the Municipal Act, this Act shall be in force in every township, city, town, and incorporated village in Ontario. R. S. O. 1877, c. 195, s. 1.

2. The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals under his charge and keeping, as though such animal or animals were his own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality, shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such by-laws. R. S. O. 1877, c. 195, s. 2.

3. If not previously replevied, the pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or if the owner of geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbors' premises after a notice in writing has been served upon him of their trespass, then the owner of such poultry may be brought before any Justice of the Peace and fined such sum as the Justice directs. R. S. O. 1877, c. 195, s. 3.

4. When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper may confine the animal in any enclosed place within the limits of the pound-keeper's division within which the distress was made. R. S. O. 1877, c. 195, s. 4.

5. The owner of any animal impounded shall at any time be entitled to his animal, on demand made therefor, without payment of any poundage fees, on giving satisfactory security to the pound-keeper for all costs, damages, and poundage fees that may be established against him, but the person distraining and impounding the animal shall, at the time of the impounding, deposit poundage fees, if such are demanded, and within twenty-four hours thereafter deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages (if any), not exceeding \$20, done by such animal, exclusive of such poundage fees, and shall also give his written agreement (with surety if required by the pound-keeper) in the form following, or in words to the same effect:

"I (or we, as the case may be) do hereby agree that I (or we) will pay to the owner of the (describing the animal) by me (A. B.) this day impounded, all costs to which the said owner may be put in case the distress by me the said A. B. proves to be illegal, or in case the claim for damages now put in by me the said A. B. fails to be established."

R. S. O. 1877, c. 195, s. 5.

6. In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the municipality for straying within his premises, such person, instead of delivering the animal to a pound-keeper, may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the notices hereinafter in that case required of him. R. S. O. 1877, c. 185, s. 6.

7. If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal. R. S. O. 1877, c. 195, s. 7.

8. If the owner is unknown to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the clerk of the municipality a notice in writing of having taken up the animal, and containing a description of the color, age and natural and artificial marks of the animal, as near as may be. R. S. O. 1877, c. 195, s. 8.

9. The clerk, on receiving such notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the animal is sooner claimed by the owner. R. S. O. 1877, c. 195, s. 9.

10. If the animal or any number of animals taken up at the same time is or are of the value of \$10 or more, the distrainer shall cause a copy of the notice to be published in a newspaper in the county, if one is published therein, and if not, then in a newspaper published in an adjoining county, and to be continued therein once a week for three successive weeks. R. S. O. 1877, c. 195, s. 10.

11. In case an animal is impounded, notices for the sale thereof shall be given by the pound-keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same. R. S. O. 1877, c. 195, s. 11.

12. In case the animal is not impounded, but is retained in the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices of the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up. R. S. O. 1877, c. 195, s. 12.

13. The notices of sale may be written or printed, and shall be affixed and continued for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the pound-keeper, and also of the fence-viewers (if any); and the expenses of the animal's keeping. R. S. O. 1877, c. 195, s. 13.

14. Every pound-keeper and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or closed pound, or in any enclosed place, shall daily furnish the animal with good and sufficient food, water and shelter, during the whole time that such animal continues impounded or confined. R. S. O. 1877, c. 195, s. 14.

15. Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises. R. S. O. 1877, c. 195, s. 15.

16. The value or allowance as aforesaid may be recovered, with costs, by summary proceeding before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties, or forfeitures for the breach of any by-law of the municipality may by law be recovered and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of pound-keepers' fees and charges established by the by-laws of the municipality. R. S. O. 1877, c. 195, s. 16.

17. The pound-keeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned. R. S. O. 1877, c. 195, s. 17.

18. In case it is proved by affidavit before one of the Justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the pound-keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any pound-keeper, but retained the same in his own possession, then any pound-keeper of the municipality may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices, and after deducting the penalty and the damages (if any) and fees and charges, shall apply the product in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable (not exceeding \$20,) to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the treasurer of and for the use of the municipality. R. S. O. 1877, c. 195, s. 18.

19. If the owner, within forty-eight hours after the delivery of such statements, as provided in section 5, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the pound-keeper. R. S. O. 1877, c. 195, s. 19.

20. Such fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence, then they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement signed by at least two of them of their appraisal and of their lawful fees and charges. R. S. O. 1877, c. 195, s. 20.

21. If the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges are not paid, the pound-keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices. R. S. O. 1877, c. 195, s. 21.

22. In case a pound-keeper or person who impounds or confines, or causes to be impounded or confined, any animal as aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water and shelter as aforesaid, he shall, for every day during which he so refuses or neglects, forfeit a sum not less than \$1 nor more than \$4. R. S. O. 1877, c. 195, s. 22.

23. Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of \$2, to be recovered for the use of the municipality, by summary proceedings before a Justice of the Peace upon the complaint of the party aggrieved or the treasurer of the municipality. R. S. O. 1877, c. 195, s. 23.

24. Every fine and penalty imposed by this Act may be recovered and enforced, with costs, by summary conviction, before any Justice of the Peace for the county or of the municipality in which the offence was committed; and in default of payment the offender may be committed to the common gaol, house of correction, or lock-up house of the county or municipality, there to be imprisoned for any time in

the discretion of the convicting and committing Justice, not exceeding fourteen days, unless the fine and penalty, and costs, including the costs of the committal, are sooner paid. R. S. O. 1877, c. 195, s. 24.

25. When not otherwise provided, every pecuniary penalty recovered before any Justice of the Peace under this Act shall be paid and distributed in the following manner : one moiety to the city, town, village or township in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the Justice seems proper. R. S. O. 1877, c. 195, s. 25.

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